

FILED

AUG 21 2024

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. S1 4:24 CR 413 JAR/SRW
	)	
JOSEPH BURCHETT	)	
A/K/A "José"	)	
A/K/A "JB"	)	
	)	
Defendant,	)	

**MOTION FOR PRE-TRIAL DETENTION AND HEARING**

Comes now the United States of America, by and through its Attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Nino Przulj, Assistant United States Attorney for said District, and moves this Court to order the Defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of the Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, § 3141, et seq.

In further support, the United States of America states:

1. The Defendant is charged with:
  - a. Firearms trafficking, in violation of 18 U.S.C. §§ 2 and 923(a), an offense with a five-year maximum term of imprisonment;
  - b. Felon in possession of a firearm, in violation of 18 U.S.C. § 922(g), an offense with a fifteen-year maximum term of imprisonment;
  - c. Robbery of mail, money, or other property of the United States, in violation of 18 U.S.C. § 2114 (a), an offense with a twenty-five year maximum term of imprisonment;

d. Brandishing a firearm in furtherance of a crime of violence in violation of 18 U.S.C. § 924(c)(1)(a), an offense with a mandatory minimum term of imprisonment of seven years.

2. The Defendant has previously been ordered detained in this case. *See* 4:20-CR-00627-HEA, Dkt. 96.

3. Detention remains appropriate. The nature and circumstances of the offense demonstrates Defendant's danger to the community. Specifically, during a gun sale arranged by the Defendant, codefendant Lumpkins pointed a gun at an undercover ATF agent and robbed the ATF agent of federal money—specifically, \$1,200 in ATF buy funds—at the Defendant's direction. In doing so, the Defendant jeopardized the undercover agent's life.

4. The Defendant is a convicted felon and a member of the gang 13 Stones. The 13 Stones gang is known for committing violent crimes like carjackings and firearms offenses.

5. At the time of the offense, the Defendant was on federal supervision following his conviction for possessing fentanyl with the intent to distribute it. *See generally* 4:20-CR-00627-HEA.

6. Immediately after the robbery, ATF agents pursued the Defendant with lights flashing and sirens blaring, but the car he was in fled.

7. The weight of the evidence is strong in this case as the robbery was audio and video recorded by the undercover agent.

8. Given the presumption of detention in this case, the weight of the evidence against him, and the nature and circumstances of the offense charged, there is a serious danger to the community that would be posed by the Defendant's release. Further, there are no conditions or combination of conditions pursuant to 18 U.S.C. §3142(c)(1)(B) that will reasonably assure the Defendant's appearance as required.

WHEREFORE, the United States requests this Court to order the Defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of the Defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING  
United States Attorney

/s/ Nino Przulj

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